

BARBADOS' REPORT ON THE PROGRESS INDICATORS FOR MEASURING THE IMPLEMENTATION OF THE BELEM DO PARA CONVENTION

111.1 Legislation

Reception of the Right

The Government of Barbados has taken appropriate steps to ensure that the articles of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem Do Para) are incorporated within its national laws. In January 2016, the Government of Barbados passed an Act to amend the *Domestic Violence (Protection Orders) Act, 1992 Cap. 130A* to define domestic violence and to make greater provision for the safety of victims of domestic violence and the accountability of perpetrators of domestic violence. This amended Act:

- makes provision for a comprehensive definition of the term “domestic violence”;
- extends the classes of persons who are considered to be victims of domestic violence;
- ensures that victims of domestic violence receive the appropriate counselling or therapy;
- facilitates the enrolment of perpetrators of domestic violence in the appropriate rehabilitative programmes;
- extends the classes of persons who may intervene in applications before the Court on behalf of victims of domestic violence;
- establishes the duties and powers of members of the Police Force in relation to allegations of domestic violence, including the power to issue emergency protection orders;
- maximises the safety and protection of victims and ensures that perpetrators of domestic violence are held accountable; and
- makes provisions for related matters.

It ensures that both men and women have equal access to exercise their rights and are entitled to the full protection of those rights that are embodied within regional and international instruments on human rights.

A victim is hereby advised of the right to:

1. Request the assistance of a member of the Police Force in the protection of the victim and the children, if any.
2. Request the assistance of a member of the Police Force in accompanying the victim and the children, if any, to a place of safety including the Child Care Board, the home of a family member or friend, a shelter or any other place of safety.
3. Request the assistance of a member of the Police Force in accompanying the victim and the children, if any, to the residence of the perpetrator to retrieve the victim's or the children's personal property.
4. Request the assistance of a member of the Police Force in seeking medical treatment or in accompanying the victim and the children, if any, to a medical facility.
5. Lay a criminal complaint against the perpetrator where the conduct of the perpetrator amounts to a criminal offence.
6. Be provided, by a member of the Police Force, with information regarding how a protection order may be obtained.
7. Seek legal representation.
8. Obtain a protection order from the Court to be served on the perpetrator by a marshal of the Court.
9. Request that the address of the victim is not disclosed to the perpetrator.
10. Request further information on the exercise of the rights of the victim from the District Police Station at which the complaint was laid.

In addition to this amended Act, Barbados has taken steps to ensure that it has enacted specific legislation on different forms of violence. On the 3rd February 2012, the National Task Force for the Prevention of Trafficking was formed with the Bureau of Gender Affairs operating as

its Secretariat. This Task force has the responsibility of developing a work plan. This work plan included training, public awareness campaigns and workshops. Barbados has also enacted and implemented a number of legislation to enable it to punish perpetrators of Human Trafficking. Barbados has enacted legislation on human trafficking in the form of the Trafficking in Persons Prevention Act, 2016-9. This Act was implemented to give effect to the United Nations Protocol to Prevent and Punish Trafficking in Persons, especially women and supplementing the United Nations Convention Against Trans-organized Crime. This Act seeks to offer protection and safety of victims. The Immigration (Amended) Act, 2016 – 11 allows for the punishment of persons found guilty of smuggling and the Criminal Assets Recovery Fund Act, 2016-10 allows for the seizure of assets derived from criminal conduct including Human Trafficking. There is also a Sex Crimes and Trafficking Unit which was established within the Royal Barbados Police Force in March 2013. The Ministry of Labour is currently working towards the finalisation of a Sexual Harassment in the Workplace Bill.

With regard to rape, sexual abuse and sexual violence within the nuclear or extended family, Barbados has amended its *Sexual Offences Act*, Cap. 154, to provide for the circumstances under which the offence of rape is committed by a husband against his wife. The law criminalizes rape, and the maximum penalty is life imprisonment. There were legal protections against spousal rape for women holding a court-issued divorce decree, separation order, or non-molestation order. Rape was under-reported for fear of further violence, retribution, and societal stigma.

Amendment to Section 3 of Cap. 154

Section 3 of the Sexual Offences Act, Cap. 154 is amended by deleting subsection (4) and substituting the following:

A husband commits the offence of rape where he has sexual intercourse

with his wife without her consent by force or fear, where he knows that she does not consent to the intercourse or is reckless as to whether she consents to the intercourse

Quality of progress

The Government of Barbados continues to work with civil society organizations to keep the issue of violence against women at the forefront. This is done by hosting a series of activities especially during the Sixteen Days of Activism.

STATE CAPACITIES

The Government of Barbados provides financial assistance to the Business and Professional Women's Club of Barbados (BPW) for the administration of the lone Barbados Shelter for Abused Women. BPW also operates a Crisis Hotline where persons can call to access psychological and other help or counselling services. The Family Services Division of the Welfare Department provides counselling to persons referred by the courts. Furthermore, Public Officers can access three (3) free counselling sessions from Network Services through the Employee Assistance Programme (EAP).

Government has a National Assistance Board which addresses the issue of Elder Abuse as well as the Child Care Board which investigates cases of child abuse and neglect. The National Disability Unit looks after women with disabilities.

Access to Justice - Office of the Attorney General

The Office of the Attorney General has entered into a Memorandum of Understanding (MOU) with UN WOMEN. This MOU represents the continuation and strengthening of UN WOMEN's resolve to achieve gender equality and to combat the negative impacts of gender

discrimination in Barbados. Additionally, this MOU will provide a framework to facilitate cooperation in the following areas of activity:

- 1 Enhanced efficiency and accountability of the Court and Court Officers in addressing impunity around gender-based violence;
- 2 Enhanced capacity of the Royal Police Force in responding to gender-based violence;
- 3 Improved nationally owned data and analysis by the Courts and Police on state response to gender-based violence; and
- 4 Improved understanding by society of their rights and redress as it pertains to gender-based violence including all forms of violence against women and domestic violence.

In order to achieve this, the Attorney General has established a committee to pursue areas of cooperation and collaboration. The Committee comprises the following:

- 1 The Attorney General
- 2 Permanent Secretary, Office of the Attorney General
- 3 Director, Bureau of Gender Affairs or Nominee
- 4 Commissioner of Police or Nominee
- 5 Chief Magistrate or Nominee

This proposed MOU is non-exclusive and shall have an initial term of two and a half years commencing July 2, 2015 and ending on 31st December 2017 unless terminated earlier by either party upon two months' notice in writing to the other party. The parties may agree to extend this MOU in writing for subsequent periods of two years. This MOU may be amended only by mutual written agreement of the Parties.

Included in the MOU through the leadership of the Attorney General is a series of training dialogues which will target the RBPF, The High Court and the Magistrate Court. This initiative will draw on UN Women's

previous work with Courts in Guyana, Belize and the Bahamas as well as the ongoing work with the Caribbean Court of Justice. Efforts will be made to ensure Court Linkages with the Partnership of Peace which targets psychosocial behaviour change of men who have been found guilty of domestic violence. Emphasis will also be given to supporting the development of Court and Police tools to assist in response, case management, court decisions, monitoring court performance standards related to addressing gender-based violence, and in capturing data as it relates to state response.

Drawing on the skills, programmes, tools and networks of the Ministry of Social Care, Constituency Empowerment and Community Development, the Bureau of Gender Affairs and the Child Protection Bodies, work will be carried out by the Government to ensure public awareness about the rights of survivors of GBV to protection, redress and justice.

Under the MOU, UN Women will be responsible for:

- 1 the technical inputs in the development or modification of tools to support capacity development and dialogue with the Royal Barbados Police Force (RBPF) and the Courts/Court Officers;
- 2 Providing access to best practices in the Commonwealth in Police and Court response to GBV including the use of criminal and civil procedures;
- 3 Identifying and contracting experts to carrying out the needed trainings, facilitation of dialogue and direct support to target beneficiaries as identified by implementing partners;
- 4 Supporting the establishment of data and monitoring tools, including baseline data on court and police response to GBV as done in a number of CARICOM Countries in recent years;

- 5 Provision of logistical and financial support as identified in detailed annual work plans to be agreed upon by the OAG and UN Women;
- 6 Convening and coordination of implementing partners/target beneficiaries in carrying out the MOU and related work plans including the establishment of a Working Group of Key implementing partners;
- 7 Securing the commitment of all key target beneficiaries to implement the MOU and related annual Work Plans;
- 8 Leading the conducting of trainings, dialogues and activities under the MOU;
- 9 Ensuring the contribution of Government as identified in each annual work plan to be developed; and
- 10 Ensuring coordination with key national and regional stakeholders including civil society in the monitoring of the implementation of the MOU.

Monitoring and Evaluation of the MOU

The Government of Barbados and UN women will be jointly responsible for monitoring the overall implementation of the MOU and its annual work plan. Each year an annual work plan will be developed with specific measurable indicators and outputs

At the beginning, a set of baseline data will be developed. UN Women's contribution is US\$160,000 over the 2015- 2017 period.

Diversity

Barbados has amended its constitution to ensure that persons are not discriminated against regardless of their race or ethnic background.